

Highlights of Court's Ruling On Miners' Contempt Case

preme Court of the United States, in a history-making decision, upheld the conviction of the United Mine Workers Union and its President, John L. Lewis.

The tribunal cut down the \$3,500,000 contempt fine levied against the union by Federal Judge Goldsborough to \$700,000.

The court voted 7 to 2 in support of the citation against the union. But it was only by a narrow 5 to 4 margin that it ruled the Norris-LaGuardia Act did not outlaw the injunction issued by Judge Goldborough which Mr. Lewis and the union defied. For this defiance they were held in contempt.

Mr. Lewis offered no immediate comment on the verdict. The high

court gave him five days from the issuance of its mandate to comply with the terms of the injunction. Otherwise the full \$3,500,000 fine will be levied against the union. The injunction requires Mr. Lewis and the union to withdraw the notice that the U.M.W. contract with the Government has terminated. This notice brought on the nation-wide soft coal strike last fall.

There could not have been an injunction in the coal case, Vinson said, if the dispute had been between the miners and private employers. But the Chief Justice found that Congress never intended the acts to apply to the Government.

There is a rule of law that no act of Congress can be construed to deprive a litigant of a right without the express language of the act. The court took the same view of the Norris-LaGuardia Act, which prohibits injunctions in labor disputes, except under circumstances that did not figure in the coal case. The question up to the court then, Frankfurter said, is whether the coal case grew out of a labor dispute. He quoted the Norris-LaGuardia Act:

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AFL President William Green said organized labor will have to study the decision carefully "to find out whether it means the return of Government by injunction."

The Supreme Court decision was announced with startling suddenness and caught everyone in the nation's capital by surprise. It was the first time in 35 years that a decision had

It may take many weeks before thorough legal analysis of the decision and its impact on its application to labor relations generally. However, these points appear obvious:

1—The majority found that the Government was exercising its "sovereign function" in this case and that the Norris-LaGuardia Act did not bar it from obtaining an injunction from taking by Chief Justice Vinson, who wrote the majority opinion, and Associate Justices Black, Reed, Douglas and Stewart. That is, the Norris-LaGuardia Act did apply to Associate Justices Frankfurter, Murphy,

2.—The majority also held that in this case the Government was acting as the employer of the mine workers because the Government had hitherto seized the mine properties under the War Labor Disputes Act. For this reason the majority held that the Government could seek injunctive relief to maintain the status quo and prevent a strike against the Government until the court decided whether the contract with the U.M.W. could be terminated.

3.—The majority further held that Mr. Lewis and the union were bound in respect and under the contract to

The court split again on the \$700,000 fine. No indication was given in the majority decision as to how this sum was arrived at. Justices Vinson, Reed, Douglas, Burton and Jackson

deliberate, defiance of the court's order, the seriousness of the consequences of the contumacious behavior, the necessity of effectively terminating the defendant's defiance as required by the public interest, and the importance of deterring such acts in the future. Because of the nature

than any action of an aggressive labor leader in disobeying a valid court order.

"The crux of this case is whether the fact that the Government took over the possession and operation of the mines changed the private character of the underlying labor dispute be-

riate Justice Black, Reed, Douglas and Burton. Voting that the Norris-LaGuardia Act did apply were Associate Justices Frankfurter, Murphy, Jackson and Rutledge.

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supported it, while Justices Murphy and Rutledge opposed it, while Justices Black and Douglas expressed the view that it was "excessive."

Only Justice Rutledge and Murphy dissented from the entire decision and voted against upholding the conviction.

Justice Murphy said in his separate opinion that the implications of the majority decision cast a dark cloud over the future of labor relations in the United States. He said that even the soft coal strike was not merely "the conversion of the judicial process into a weapon for misapplying statutes."

Justice Rutledge said:

"No man or group is above the law. All are subject to its valid commands. So are the Government and the courts."

It, as I think, Congress has forbidden the use of such injunctive suits in this case and like cases, that concludes the end of our function. And if modification of that policy is to be made for such cases, that problem is for Congress to solve on the first instance, not for the courts.

Actually, the Supreme Court did not rule on the primary issue from which we have derived our title. That issue is whether the U.M.W. had a right under its contract with Secretary of the Interior Krug to terminate the contract on March 31, 1957, as it attempted to do. A trial of this issue might uphold the union's contention, but since the Government is exercising its right to take the property to its private owners, the point must become academic.

Actually, the Supreme Court did not rule on the primary issue from which the entire court fight developed. That issue is whether the U.M.W. had a right under its contract with Seale

tary of the Interior Krug to terminate that contract on 30 days notice as it attempted to do. A trial of this issue might uphold the union's contention, but since the Government is expected to release the mines by June 30 to their private owners, the point may become academic.